

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Jaquell Antonio McCullum,	)	C/A No.: 1:13-0006-JFA-SVH
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
Florence County Detention Center;	)	
Nurse Nancy Truluck; Sgt. Wesley Ingram,	)	
	)	
Defendants.	)	
	)	

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The *pro se* plaintiff brings this civil action *in forma pauperis* and pursuant to 42 U.S.C. § 1983, alleging deliberate indifference to the plaintiff’s medical. At the time of the alleged incidents, the plaintiff was a pretrial detainee at the Florence County Detention Center.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation and opines that defendant Florence County Detention Center should be dismissed because it is not a proper party defendant in this § 1983 action. Specifically, the Florence County Detention Center is not a “person” amenable to suit under 42 U.S.C. § 1983. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

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<sup>1</sup> The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

The plaintiff was advised of his right to file objections to the Report and Recommendation. In a one-page objection memorandum, the plaintiff fails to specifically address the dismissal of defendant Florence County Detention Center. Rather, he reiterates the claims made in his original complaint. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

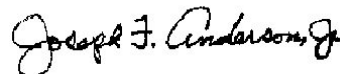
After carefully reviewing the applicable laws, the record in this case, the Report and Recommendation, and the plaintiff's objections, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Report is incorporated herein by reference.

Accordingly, defendant Florence County Detention Center is dismissed without prejudice and without issuance and service of process.

As the Magistrate Judge has authorized service of process on the two individual defendants, the Clerk is directed to return the file to the Magistrate Judge for further proceedings in this action.

IT IS SO ORDERED.

July 29, 2013  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge